

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 22

Filed by: Trial Section Merits Panel
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAMES EDWARDS AND JOHN E. DRIES

Junior Party,
(Patent No. 5,762,080)¹

v.

EDWARD L. THIES, ROGER J. BERTSCH
and WILBUR W. JARVIS

Senior Party
(Application 09/273,944)²

Patent Interference No. 104,439

Before: McKELVEY, Senior Administrative Patent Judge, and
SCHAFFER and LEE, Administrative Patent Judges.

¹ Filed January 24, 1997, as application 08/792,964. The real party in interest is White Consolidated Industries, Inc.

² Filed March 19, 1999. Accorded the benefit of application 08/927,706, filed September 10, 1997, now Patent No. 5,909,743, issued June 8, 1999, and provisional application 60/031,182, filed November 19, 1996. The real party in interest is Whirlpool Corporation.

Interference No. 104,439
Edwards v. Thies

LEE, Administrative Patent Judge.

JUDGMENT UNDER 37 CFR § 1.662(a)

This interference was declared on September 14, 1999.
On January 31, 2000, junior party Edwards requested (Paper No. 19) entry of adverse judgment against party Edwards. The request is **granted**. Accordingly, it is

ORDERED that judgment as to the subject matter of the count is entered against junior party Edwards;

FURTHER ORDERED that the junior party, i.e., James M. Edwards and John E. Dries, is not entitled to a patent containing its patent claims 11, 12, 15 and 16 which correspond to the count; and

FURTHER ORDERED that, on this record, senior party Thies, i.e., Edward L. Thies, Robert J. Bertsch, and Wilbur W. Jarvis, is entitled to a patent containing its application claims 21-27, 29-31, and 33-40, which correspond to the count.

FRED E. McKELVEY, Senior)
Administrative Patent Judge)
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Interference No. 104,439
Edwards v. Thies

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	RICHARD E. SCHAFER)	BOARD OF
PATENT)	
	Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
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	JAMESON LEE)	
	Administrative Patent Judge)	

Interference No. 104,439
Edwards v. Thies

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